



14998.230

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Kazuhiko Aikawa et al.  
Serial No. : 09/635,109  
Filed : August 9, 2000  
For : Optical Fiber and Optical Transmission System  
Art Unit : 2874  
Examiner : Stahl, M.

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October 28, 2003

Mail Stop: Communication  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 221313-1450

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**COMMUNICATION**

Enclosed please find, a copy of the Office Action issued by the Japanese Patent Office with cover copies of respective cited references which were previously submitted for this application. A copy of the IDS submission dated August 9 2000 is enclosed, for Japanese patent application 2000-012259 and Japanese patent application 11-228904, as priority documents and a copy of the Examiner's initialed PTO-1449 form for WO 00/62106, dated August 27, 2001.

We respectfully request that this communication be entered into record.

We believe no fees are due, the Commissioner is hereby authorized to charge and/or credit Deposit Account No. 03-1240 for credit overpayment or charge of additional fees as required.

Respectfully submitted,

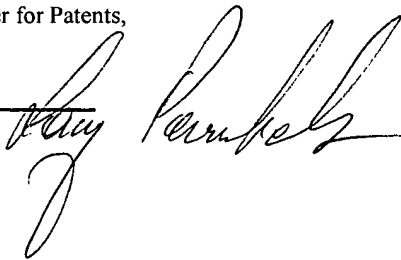
BY Daniel Basov  
Daniel Basov, Reg. No. 42,303

CHADBOURNE & PARKE LLP  
30 Rockefeller Plaza  
New York, NY 10112  
(212) 408-5275

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to: Assistant Commissioner for Patents,  
Washington, D.C. 20231

on October 29, 2003

BY Tammy Parubchenko





Reference No. 990571

Mailing Number: 025373

Mailing Date: 2003/01/24 (year/month/day)

1/2

## NOTICE OF REASONS FOR REJECTION

**Application Number:** 2000-012259  
**Drafting Date:** 2003/01/24 (year/month/day)  
**Examiner:** Eiichi YOSHIDA 9124 2K00  
**Attorney:** Masatake SHIGA et al.  
**Cited Articles:** Article 29<sup>bis</sup>

**This application should be rejected for the reason(s) laid forth below. If the applicant wishes to comment thereon, the applicant is invited to submit a response within 60 days from the mailing date of this notice.**

### REASON(S)

The invention(s) according to the below-listed claim(s) of the present application is identical to the invention(s) disclosed in the specification or drawings as originally filed with the below-listed patent or utility model registration application(s) filed prior to the filing date of the present application and made public after the filing date of the present application; the inventor(s) of the present application is not identical to the party(ies) who made the above-mentioned invention(s) for which an application(s) was filed prior to the filing date of the present application; and at the time the present application was filed, the applicant(s) of the present application was not identical to the applicant(s) of the patent or utility model registration application(s) filed prior to the filing date of the present application; therefore, the invention(s) according to the below-listed claim(s) of the present application is deemed to be unpatentable in compliance with the provisions of Japanese Patent Law, Article 29<sup>bis</sup>.

(See the List of Citations for the cited publications)

### EXAMINER'S COMMENTS

- Claims 1-8, 17, and 18
- Citation 1

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• Notes

Page 13 and Fig. 3 of Citation 1 (earlier application) disclose an embodiment in which the bending loss at a diameter of 20 mm is 6.2 dB/m.

The value of this 6.2 dB/m bending loss is less than 10.2 to 100 dB/m which is the numerical range recited in (5) of claim 1.

However, in general, a smaller bending loss is preferable, and there is no particular technical significance in the point of setting the lower limit of the bending loss to 10.2 dB/m (assuming there is significance, then this would be the introduction of new matter). Therefore, the numerical difference in the bending loss as described above is not a substantial difference.

**No reasons for rejection are currently known for the claims which were not indicated in this Notice of Reasons for Rejection. The applicant will be notified of new reasons for rejection if such reasons for rejection are found.**

### LIST OF CITATIONS

1. Japanese Patent Application No. Hei 11-160922 [Japanese Patent Application No. 2000-611115 which claims priority and has been made public (PCT International Publication No. WO 00/62106)]

日 本 国 特 許 庁

PATENT OFFICE  
JAPANESE GOVERNMENT

別紙添付の書類に記載されている事項は下記の出願書類に記載されて  
る事項と同一であることを証明する。

This is to certify that the annexed is a true copy of the following application as filed  
this Office.

願 年 月 日  
Date of Application:

1999年 8月12日

願 番 号  
Application Number:

平成11年特許願第228904号

願 人  
Applicant(s):

株式会社フジクラ

2000年 3月24日

特許庁長官  
Commissioner,  
Patent Office

近 藤 隆 彦

出証番号 出証特2000-3020730

発送番号 025373

発送日 平成15年 2月 4日 2 / 2

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ましたら下記までご連絡下さい。

特許審査第一部光デバイス 審査官 吉田英一

TEL. 03(3581)1101 内線3255

FAX. 03(3580)6902

引 用 文 献 等 一 覧

1. 特開平11-160922号 [出願公開された優先権主張を伴う特願2000-611115号 (国際公開第00/62106号パンフレット)]

日 本 国 特 許 庁

PATENT OFFICE  
JAPANESE GOVERNMENT

別紙添付の書類に記載されている事項は下記の出願書類に記載されて  
る事項と同一であることを証明する。

This is to certify that the annexed is a true copy of the following application as filed  
this Office.

願 年 月 日  
Date of Application:

2000年 1月20日

願 番 号  
Application Number:

特願2000-012259

願 人  
Applicant(s):

株式会社フジクラ

2000年 3月24日

特許庁長官  
Commissioner,  
Patent Office

近 藤 隆 彦

出証番号 出証特2000-3020732

整理番号 990571

発送番号 025373

発送日 平成15年 2月 4日 1/2

森  
9/31

## 拒絶理由通知書

|          |                 |
|----------|-----------------|
| 特許出願の番号  | 特願2000-012259   |
| 起案日      | 平成15年 1月24日     |
| 特許庁審査官   | 吉田 英一 9124 2K00 |
| 特許出願人代理人 | 志賀 正武(外 3名) 様   |
| 適用条文     | 第29条の2          |

この出願は、次の理由によって拒絶をすべきものである。これについて意見があれば、この通知書の発送の日から60日以内に意見書を提出して下さい。

### 理 由

この出願の下記の請求項に係る発明は、その出願の日前の特許出願であって、その出願後に出願公開された下記の特許出願又は実用新案登録出願の願書に最初に添付された明細書又は図面に記載された発明と同一であり、しかも発明をした者と同一ではなく、またこの出願の時に於いて、その出願人が上記特許出願又は実用新案登録出願人と同一でもないもので、特許法第29条の2の規定により、特許を受けることができない。

記 (引用文献等については引用文献等一覧参照)

- ・請求項1～8、17、18
- ・引用文献等1
- ・備考

文献等1(先願)の第13頁及び図3には、直径20mmでの曲げ損失が6.2 dB/mの実施例が記載されている。

この6.2 dB/mという曲げ損失の値は、請求項1の(5)に記載された数値範囲である10.2～100 dB/mを下回るものである。

しかし、一般に曲げ損失は小さい方が望ましく、また曲げ損失の下限値を10.2 dB/mとした点に格別の技術的意義はない(仮にあるとすれば新規事項の追加となる)。したがって、上記のような曲げ損失の数値上の差異は実質的な差異ではない。

この拒絶理由通知書中で指摘した請求項以外の請求項に係る発明については、現時点では、拒絶の理由を発見しない。拒絶の理由が新たに発見された場合には拒絶の理由が通知される。

この拒絶理由通知の内容に関するお問い合わせ、または面接のご希望がございましたら、



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国際事務局

特許協力条約に基づいて公開された国際出願



|  |    |   |
|--|----|---|
| (51) 国際特許分類7<br>G02B 6/16  | A1 | (11) 国際公開番号<br>WO00/62106<br><br>(43) 国際公開日<br>2000年10月19日(19.10.00)  |
| (21) 国際出願番号 PCT/JP00/02423<br>(22) 国際出願日 2000年4月13日(13.04.00)<br>(30) 優先権データ<br>特願平11/105452 1999年4月13日(13.04.99) JP<br>特願平11/160922 1999年6月8日(08.06.99) JP<br>(71) 出願人 (米国を除くすべての指定国について)<br>住友電気工業株式会社<br>(SUMITOMO ELECTRIC INDUSTRIES, LTD.)(JP/JP)<br>〒541-0041 大阪府大阪市中央区北浜四丁目5番33号<br>Osaka, (JP)<br>(72) 発明者; および<br>(75) 発明者/出願人 (米国についてのみ)<br>平野正晃(HIRANO, Masaaki)(JP/JP)<br>加藤考利(KATO, Takatoshi)(JP/JP)<br>〒244-8588 神奈川県横浜市栄区田谷町1番地<br>住友電気工業株式会社 横浜製作所内 Kanagawa, (JP) -<br>(74) 代理人<br>弁理士 長谷川芳樹, 外(HASEGAWA, Yoshiki et al.)<br>〒104-0061 東京都中央区銀座二丁目6番12号<br>大倉本館 創英国際特許法律事務所 Tokyo, (JP) |    | (81) 指定国 AU, CA, JP, US, 欧州特許 (AT, BE, CH, CY, DE, DK, ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE)<br>添付公開書類<br>国際調査報告書 |
| (54) Title: OPTICAL FIBER AND OPTICAL COMMUNICATION SYSTEM COMPRISING THE SAME<br>(54) 発明の名称 光ファイバ及びそれを含む光通信システム<br><div data-bbox="313 1354 1226 1684" data-label="Diagram"> </div> <p>AA.10...REPEATING STATION</p>  |    |   |
| (57) Abstract<br>An optical fiber having a structure suitable for long-distance optical communication and an optical transmission line comprising the same. The optical fiber comprises a core region extending along a predetermined axis and a clad region surrounding the core region. The optical fiber has characteristics at the 1.55 $\mu\text{m}$ wavelength, such as an effective cross section of more than 110 $\mu\text{m}^2$ , a dispersion of 18 to 23 ps/nm/km, and a dispersion slope of 0.058 to 0.066 ps/nm <sup>2</sup> /km.  |    |   |

14998.230

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Kazuhiko Aikawa et al  
Serial No. : To Be Assigned  
Filed : Herewith  
For : OPTICAL FIBER AND OPTICAL TRANSMISSION  
SYSTEM  
Art Unit : N/A  
Examiner : N/A

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August 9, 2000

Assistant Commissioner for Patents  
Washington, D.C. 20231

TRANSMITTAL OF PRIORITY DOCUMENT

Sir:

Transmitted herewith is a certified copy of the  
following patent application, the foreign priority of which  
has been claimed under 35 USC 119:

Japanese Patent Appl No 11-228904, Filed 8/12/99

Japanese Patent Appl No 2000-012259, Filed 1/20/00

It is submitted that this certified copy satisfies  
all of the requirements of 35 USC 119, and the right of

foreign priority should therefore be accorded to the present application.

Respectfully submitted,

CHADBOURNE & PARKE LLP

By: *Francis Montgomery*  
Francis Montgomery  
Reg. No. 41,202

30 Rockefeller Plaza  
New York, NY 10112  
(212) 408-1075

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on August 9, 2000  
CHADBOURNE & PARKE

By: *Francis Montgomery*  
Francis Montgomery

ATTY DOCKET NO.

14998.23

SERIAL NO.

09/635,109

OIP  
INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)

Kazuhiko Aikawa et al

FILING

August 9, 2000

GROUP

N/A

OCT 10 2000

U.S. PATENT & TRADEMARK OFFICE  
PATENT DOCUMENTS

| EXAMINER<br>INITIAL |    | DOCUMENT NUMBER | DATE    | NAME | CLASS | SUBCLASS | FILING DATE<br>IF APPROPRIATE |
|---------------------|----|-----------------|---------|------|-------|----------|-------------------------------|
| MJS                 | AA | 5,835,655       | 11/1998 |      |       |          |                               |
| MJS                 | AB | 5,781,684       | 7/1998  |      |       |          |                               |
| MJS                 | AC | 5,361,319       | 11/1994 |      |       |          |                               |
| MJS                 | AD | 4,852,968       | 8/1989  |      |       |          |                               |
|                     | AE |                 |         |      |       |          |                               |
|                     | AF |                 |         |      |       |          |                               |
|                     | AG |                 |         |      |       |          |                               |
|                     | AH |                 |         |      |       |          |                               |
|                     | AI |                 |         |      |       |          |                               |
|                     | AJ |                 |         |      |       |          |                               |
|                     | AK |                 |         |      |       |          |                               |

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## FOREIGN PATENT DOCUMENTS

|     |    | DOCUMENT NUMBER | DATE   | COUNTRY | CLASS | SUBCLASS | TRANSLATION |    |
|-----|----|-----------------|--------|---------|-------|----------|-------------|----|
|     |    |                 |        |         |       |          | YES         | NO |
| MJS | AL | WO096/07942     | 7/1996 |         |       |          |             |    |
|     | AM |                 |        |         |       |          |             |    |
|     | AN |                 |        |         |       |          |             |    |
|     | AO |                 |        |         |       |          |             |    |

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

|     |    |  |  |  |  |  |  |  |
|-----|----|--|--|--|--|--|--|--|
| MJS | AR | Yanming Liu, et al, "SINGLE-MODE DISPERSION-SHIFTED FIBERS WITH EFFECTIVE AREA LARGER THAN 80 um <sup>2</sup> AND GOOD BENDING PERFORMANCE", EOC '95 Tu. L.2.4. pp. 333-336 (1995, no month avail.)<br>EOC |  |  |  |  |  |  |
| MJS | AS | P. Nouchi, et al, "NEW DISPERSION-SHIFTED FIBERS WITH EFFECTIVE AREA LARGER THAN 90 um <sup>2</sup> , EOCC '96 Mob.3.2. (1996, no month avail.)  |  |  |  |  |  |  |

EXAMINER

Michael J. Aikawa

DATE CONSIDERED

8/27/01

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

2874

164  
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|   |                         |
|---|-------------------------|
| <b>TRANSMITTAL LETTER</b><br>(General - Patent Pending) | Docket No.<br>14998-230 |
|---|-------------------------|

In Re Application Of Aikawa, et. al.

|                          |                               |                        |                        |
|--------------------------|-------------------------------|------------------------|------------------------|
| Serial No.<br>09/635,109 | Filing Date<br>August 9, 2000 | Examiner<br>Mike Stahl | Group Art Unit<br>2874 |
|--------------------------|-------------------------------|------------------------|------------------------|

Title: "OPTICAL FIBER AND OPTICAL TRANSMISSION SYSTEM"

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Transmitted herewith is:

**TRANSMITTAL LETTER  
 COMMUNICATION WITH CERTIFICATE OF MAILING/TRANSLATED JAPANESE OFFICE ACTION  
 JAPANESE REFERENCES 2000-01225/11-228904 AND COVER SHEET OF WO 0062106  
 COPIES OF IDS SUBMISSIONS FOR THESE REFERENCES  
 CONFIRMATORY POSTCARD**

in the above identified application.

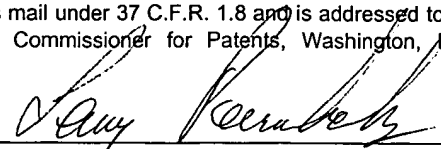
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- ☒ The Assistant Commissioner is hereby authorized to charge and credit Deposit Account No. \_\_\_\_\_ as described below. A duplicate copy of this sheet is enclosed.
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*Daniel Basov*  
 \_\_\_\_\_  
 Signature

Dated: October 29, 2003

**Daniel Basov, Reg. No. 42,303  
 CHADBOURNE & PARKE LLP  
 30 Rockefeller Plaza  
 New York, New York 10112  
 1-212-408-5275**

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| <br>Signature of Person Mailing Correspondence  |  |
| <b>Tammy Parubchenko</b><br>Typed or Printed Name of Person Mailing Correspondence   |  |

CC:

**TRANSMITTAL LETTER**  
**(General - Patent Pending)**

Docket No.  
14998-230

In Re Application Of: Aikawa, et. al.

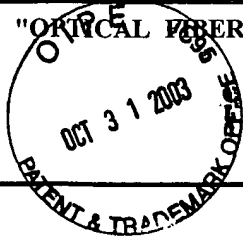
Serial No.  
09/635,109

Filing Date  
August 9, 2000

Examiner  
Mike Stahl

Group Art Unit  
2874

Title: "OPTICAL FIBER AND OPTICAL TRANSMISSION SYSTEM"



TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Transmitted herewith is:

**TRANSMITTAL LETTER  
COMMUNICATION WITH CERTIFICATE OF MAILING/TRANSLATED JAPANESE OFFICE ACTION  
JAPANESE REFERENCES 2000-01225/11-228904 AND COVER SHEET OF WO 0062106  
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in the above identified application.

- ☒ No additional fee is required.
- ☐ A check in the amount of \_\_\_\_\_ is attached.
- ☒ The Assistant Commissioner is hereby authorized to charge and credit Deposit Account No. 03-1240 as described below. A duplicate copy of this sheet is enclosed.
- ☐ Charge the amount of \_\_\_\_\_
- ☒ Credit any overpayment.
- ☒ Charge any additional fee required.

*Daniel Basov*  
Signature

Dated: October 29, 2003

Daniel Basov, Reg. No. 42,303  
CHADBOURNE & PARKE LLP  
30 Rockefeller Plaza  
New York, New York 10112  
1-212-408-5275

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Assistant Commissioner for Patents, Washington, D.C.  
20231.

*Tammy Parubchenko*  
Signature of Person Mailing Correspondence

Tammy Parubchenko

Typed or Printed Name of Person Mailing Correspondence

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